

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

U.S.PATENTS							Remove	
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	5720720		1998-02-24	Laske			
	2	4713052		1987-12-15	Beck			
If you wish to add additional U.S. Patent citation information please click the Add button.							Add	
U.S.PATENT APPLICATION PUBLICATIONS							Remove	
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.							Add	
FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								Add
NON-PATENT LITERATURE DOCUMENTS								Remove

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	ALEXANDER, J.W., et al., "Clinical evaluation of epigard, a new synthetic substitute for homograft and heterograft skin," J. of Trauma, 13:374-383, (1973)	<input type="checkbox"/>
	2	Anon., "Standard Test Methods for Water Vapor Transmission of Materials," ASTM, Designation: E 96/E 96M – 05, Published June 2005, 11 sheets, (Exhibit D-184)	<input type="checkbox"/>
	3	BERTONE, A.L., et al., "Management of Exuberant Granulation Tissue," Veterinary Clinic of North America – Equine Practice, vol. 3, pp 551-562, (1989).	<input type="checkbox"/>
	4	BYERS, R.M., "Clinical effects of closed suction drainage on wound healing in patients with head and neck cancer," Arch. Otolaryngol., vol. 108:723-6, (November 1982).	<input type="checkbox"/>
	5	CESANY, P., "Suction in the Treatment of Torpid Ulcerations," Rozhledy v chirurgii, 48-9, MINC022894-MINC022898, cover sheet and pages 406-409 English abstract on page 409 (October 31, 1969).	<input type="checkbox"/>
	6	CHINN, S.D., "Closed wound suction drainage," J. Foot Surg., vol. 24: 76-81, (Jan-Feb 1985).	<input type="checkbox"/>
	7	DAVYDOV, Y., et al., "Bacteriological and Cytological Assessment of Vacuum Therapy of Purulent Wounds," Vestn. Khir., cover sheet and pages 48-52, in Russian, English abstract provided on page 52, (1988), (Exhibit D-172).	<input type="checkbox"/>
	8	DAVYDOV, Y., et al., "Vacuum Therapy in the Treatment of Purulent Lactation Mastitis," Vestn. Khir. Cover sheet and pages 66-70, in Russian, English abstract provided on page 70, (1986), (Exhibit D-173).	<input type="checkbox"/>
	9	DAVYDOV, Y.A., et al., "Vacuum Therapy in Treatment of Acute Purulent Diseases of Soft Tissues and Purulent Wounds," Vestnik Khirurgii (Surgeon's Herald), Medicine Publishers 1986, 5 sheets, (Exhibit P-528)	<input type="checkbox"/>
	10	Email dated January 14, 2002 with attachments, including "Report of Meeting with DG Consulting" dated January 10, 2002, 5 sheets, (Exhibit D-157).	<input type="checkbox"/>

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

11	EVERETTE, W.G., "Treatment of purulent wounds and fistulae with an adhesive wound irrigation device," Annals of the Royal College of Surgeons, vol. 64: 4 pages, (1981).	<input type="checkbox"/>
12	FOX, R., "A rapid screen for drug abuse," The Pharmaceutical Journal, 789, (1988)	<input type="checkbox"/>
13	HARTZ, R.R., et al., "Healing of the Perineal Wound," Arch. Surg., vol. 115, 471-474, (1980), (Exhibit D-395).	<input type="checkbox"/>
14	Letter dated January 25, 2002 from Charles C. Valauskas to Mr. Richard Weston Regarding: Argenta "Wound Treatment" Patent Evaluation, 15 pages, (Exhibit D-388).	<input type="checkbox"/>
15	Letter to European Patent Office regarding Observations by a third party pursuant to Art. 115 EPC, 3 sheets, dated March 6, 2006.	<input type="checkbox"/>
16	Letter to Mr. Urs Tanner from Michael Baniak dated August 23, 2004 re: Updated Opinion of Non-infringement and Invalidity of Zamierowski U.S. Patent 4,969,880 (Exhibit D-140).	<input type="checkbox"/>
17	MIZUNO, K., "Suctioning Sponge," Arch. Ophthalmol., vol. 101:294, (Feb. 1983).	<input type="checkbox"/>
18	Morykwas, Laboratory Notebook pages and charts; 38 pages (Exhibit D-46) dated prior to March 1993	<input type="checkbox"/>
19	Morykwas, Laboratory notebook pages and charts, 16 sheets, (Exhibit D-286) dated prior to March 1993	<input type="checkbox"/>
20	Morykwas, Laboratory notebook pages and charts, 17 sheets, (Exhibit D-233) dated prior to November 1991	<input type="checkbox"/>
21	Morykwas, Laboratory notebook pages of charts, August 29 and December 19, 3 sheets, (Exhibit P-664) dated prior to November 1991	<input type="checkbox"/>

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

22	NIKILOV, A., "Method of treatment of postphlebitic and varicose trophic ulcers on the lower extremities by vacuum [Vacuum treatment method in postphlebitic and varicose trophic ulcers of the lower extremities]," Khirurgiia, pages 368-374, (1981)	<input type="checkbox"/>
23	O'LEARY, P., ed., et al., "Techniques for Surgeons," John Wiley & Sons, 2 cover sheets and pages 417-418, article by Barbara Ann Montgomery, "142: Easy Dressing of Large, Draining Abdominal Wounds Using Moisture Vapor-Permeable Film," (1985).	<input type="checkbox"/>
24	Opposition EP to 0620720, Communication of Opponent Hartman (Brief in Reply to Patentee's Brief 10/15/99) dated March 8, 2000.	<input type="checkbox"/>
25	Opposition EP to 0620720, Communication of Opponent Hartman (Opening Brief) dated December 16, 1998).	<input type="checkbox"/>
26	Opposition EP to 0620720, Communication of Opponent Hartman dated July 19, 2004.	<input type="checkbox"/>
27	Opposition EP to 0620720, Communication of Opponent Hartman dated September 20, 2004 with Eng. Translation.	<input type="checkbox"/>
28	Opposition EP to 0620720, Communication of Opponent Mondomed dated December 17, 1998.	<input type="checkbox"/>
29	Opposition EP to 0620720, Communication of Patentee (Response Brief) dated October 15, 1999.	<input type="checkbox"/>
30	Opposition EP to 0620720, Opponents Grounds of Appeal, dated September 29, 2004, with English translation.	<input type="checkbox"/>
31	Opposition EP to 0620720, Preliminary Opinion of Opposition Division dated August 11, 2003 (5 pages), Summons to Oral Proceedings Pursuant to Rule 71(1) EPC Dated August 12, 2003, (6 pages).	<input type="checkbox"/>
32	Photographs of wound coverings, 16 sheets, (Exhibit D-240)	<input type="checkbox"/>

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

33	Slides and photographs, 19 sheets, (Exhibit D-152)	<input type="checkbox"/>
34	Slides, drawings, photographs and presentation slides, 20 sheets, (Exhibit D-151)	<input type="checkbox"/>
35	SMITH, S.R., "Surgical drainage," Br. J. Hosp. Med., pages 308-315, (June 1985).	<input type="checkbox"/>
36	SVEDMAN, "A dressing system providing fluid supply and suction drainage used for continuous or intermittent irrigation," Ann. Plast. Surg., vol. 17, 9 pages, (August 1986).	<input type="checkbox"/>
37	SVEDMAN, "Irrigation treatment in split thickness skin grafting of intractable leg ulcers," Scand. J. Plast. Reconstr. Surg., vol. 19:211-213, (1985).	<input type="checkbox"/>
38	SVEDMAN, "A dressing system allowing continuous treatment of a biosurface," IRCS Medical Science: Biomedical Technology; Clinical Medicine; Surgery and Transplantation, 7:221 (1979), with annotations.	<input type="checkbox"/>
39	VILJANTO, J., "Eine neue Methode zur Behandlung offener Wundflächen," Annales Chirurgiae et Gynaecologiae Fenniae, 60:94-100, (1972).	<input type="checkbox"/>
40	YUSUPOV, Yu. N., et al., 5 sheets of English translation of "Active Drainage of Wounds", Vestnik khirurgii imeni I.I. Grekova 1987, 138(4), 42-46 (1987), also attached are 3 pages of English translation by BlueSky publishing entitled "Active Wound Drainage" by Usupov and Yupifanov, Vestisik Khirurgii, April 42-45 (1987).	<input type="checkbox"/>
41	Morykwas, Laboratory Notebook pages and charts; (D-46) dated prior to November 1991	<input type="checkbox"/>
42	Morykwas, Laboratory Notebook pages and charts; (D-286) dated prior to November 1991	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

Add

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09026353
Filing Date	1998-02-19
First Named Inventor	ARGENTA, ET AL.
Art Unit	3735
Examiner Name	LACYK, J.
Attorney Docket Number	0101-P00636US3

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Niels Haun/	Date (YYYY-MM-DD)	2006-11-16
Name/Print	Niels Haun	Registration Number	48,488

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.